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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

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10 GLOBAL EDUCATION SERVICES,
INC.

Plaintiff,

11 v.

12 INTUIT, INC.

Defendant.
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No. C09-944RSL

ORDER TO SHOW CAUSE

15 This matter comes before the Court *sua sponte*. In light of the split in this district,
16 evidenced in Judge Zilly's decision in Williams v. MCImetro Access Trans. Servs. LLC, No.
17 C08-82TSZ (W.D. Wash. Jan 8, 2008) and Judge Robart's December 7, 2009 order in Palmer v.
18 Sprint Nextel Corp., C09-1211JLR, on the strictly legal question of whether RCW 80.36.400 is
19 preempted by the Telephone Consumer Protection Act of 1991, the parties are ORDERED to
20 show cause by February 24, 2010 why this case should not be stayed pending the resolution of
21 the appeal in Williams, Case No. 08-36042, *appeal docketed* (9th Cir. Dec. 17, 2008) in which,
22 on December 8, 2009, the Ninth Circuit Court of Appeals heard oral argument on the same
23 preemption question.¹

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25 ¹ Granting a stay is proper where it will avoid conflicting opinions, promote judicial
26 efficiency, and preserve the resources of the litigants, all without unduly prejudicing either
party's interests. 5A Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure §

1 Both parties' responses to this Order shall be due Wednesday, February 24, 2010. The Clerk of
2 Court is directed to note this Order to Show Cause for Friday, February 26, 2010.

3 DATED this 25th day of January, 2010.
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7 Robert S. Lasnik
8 United States District Judge
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24 1360 (3d ed. 2004). See also Landis v. North Am. Co., 299 U.S. 248, 254 (1936) (“the power to
25 stay proceedings is incidental to the power inherent in every court to control the disposition of
26 the causes on its docket with economy of time and effort for itself, for counsel, and for
litigants”).